

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Daniel R. Lynn et al.  
Serial No.: Unknown  
Filed: 21 January 2004  
For: Blood Collection Systems Including a Flexible Filter

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN  
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION  
(37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION  
DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

NOTE "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATE OF MAILING (37 CFR 1.8(a)) or (37 CFR 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below as Express Mail Label No. EV317559548 US in an envelope addressed as follows: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Judith Dunaway  
Type or print name of person mailing paper

Date: 21 January 2004

  
(Signature of person mailing paper)

- NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

**COPIES OF THE DOCUMENTS LISTED ON THE ATTACHED FORM PTO-1449 CAN BE FOUND IN THE FILE WRAPPER OF GRAND PARENT APPLICATION SERIAL NO. 09/593,782 FILED 14 JUNE 2000 AND ARE THEREFORE NOT INCLUDED WITH THIS SUBMISSION.**

Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date 21 January 2004

Reg. No. 29,243

Telephone No.: (262) 783-1300



\_\_\_\_\_  
Signature of Attorney of Record

Daniel D. Ryan

\_\_\_\_\_  
Type or Print Name of Attorney of Record

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**Milwaukee, Wisconsin 53226-0618**

<b>LIST OF PRIOR ART CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. <b>F-5581-CIP DIV</b>		SERIAL NO. 
	APPLICANT <b>Lynn et al.</b>		
	FILING DATE 	GROUP 	

### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (if Appropriate)
	5,190,657	3/2/93	Heagle et al			
	4,066,556	1/3/78	Vaillancourt			
	3,506,130	4/14/70	Shaye			
	4,157,967	6/12/79	Meyst et al			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
		0365676A1		EP			
		0155003A2		EP			

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER 	DATE CONSIDERED 
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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,997,577	3/5/91	Stewart			
	4,412,835	11/1/91	Spencer			
	5,688,460	11/18/97	Ruschke			
	5,556,541	9/17/96	Ruschke			
	5,489,385	2/6/96	Raabe et al			
	4,900,441	2/13/90	Graus et al			
	4,113,627	9/12/78	Leason			
	4,997,577	3/5/91	Stewart			
	5,724,988	3/10/98	Dennehey et al			
	4,767,541	8/30/88	Wisdom			
	3,747,769	7/24/73	Brumfield			

### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	0526678A1	12/27/91	EP			
	0679490A2	9/5/94	EP			
	0614675A1	12/14/93	EP			
	0328038A2	2/7/89	EP			
	0526678B1		EP English Translation			

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

			Excerpts from Opposition involving EP 684,867 (European Counterpart of Lynn US 5,591,337) including (1) Notice of Opposition; (2) Response to Opposition; (3) Statement Replying to Response; (4) Reply to Statement in Response; and (5) Opposition Decision.

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	APPLICANT <b>Lynn et al</b>	
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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,157,967	6/12/79	Meyst et. al.			
	4,170,056	10/9/79	Meyst et al			
	4,193,876	3/18/80	Leeke et al			
	4,211,825	7/8/80	Shipman			
	4,234,026	11/18/80	Bayham			
	4,235,233	11/25/80	Mouwen			
	4,240,481	12/23/80	Bayham			
	4,268,338	5/19/81	Peterson			
	4,305,443	12/15/81	Bayham			
	4,380,484	4/19/83	Repik et al			
	4,417,753	11/29/83	Bacehowski et al			

### FOREIGN PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	684867		Europe			

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

			Excerpts from Opposition involving EP 684,867 (European Counterpart of Lynn et al. US 5, 591,337) including (D1) EP 526,678; (D2) US 365,676; (D4) EP 155,003; (D5) US 4,066,556; (D6) US 3,506,120; (D7) US 4,157,967;

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,425,177	1/10/84	Shinno			
	4,460,366	7/17/84	Shinno			
	4,482,585	11/13/84	Ohodaira et al			
	4,507,123	3/26/85	Yoshida			
	4,539,793	9/10/85	Malek			
	4,707,402	11/17/87	Thorsrud			
	4,770,295	9/13/88	Carveth et al			
	4,857,129	8/15/89	Jensen et al			
	4,863,603	9/5/89	Lehmann et al			
	4,852,537	1/9/90	Carmen et al			
	4,892,603	1/9/90	Lustig et al			

### FOREIGN PATENT DOCUMENTS

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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,892,604	1/9/90	Measells et al			
	4,894,107	1/16/90	Tse et al			
	4,900,389	2/13/90	Schnell et al			
	4,950,347	8/21/90	Futagawa			
	5,066,290	11/19/91	Measells et al			
	5,225,014	7/6/93	Ogata et al			
	5,306,269	4/26/94	Lewis et al			
	5,316,678	5/31/94	Heaslip			
	5,360,498	11/1/94	Blomqvist et al			
	5,435,878	7/25/95	Delmar et al			
	5,449,428	9/12/95	Desmarais et al			

### FOREIGN PATENT DOCUMENTS

Serial	Pub No.	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

Serial	Pub No.	Author	Title	Date	Pertinent Pages	Etc.

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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,575,880	11/19/96	Strassberg			
	5,591,337	1/7/97	Lynn et al			
	5,683,768	11/4/97	Shang et al			
	5,728,249	3/17/98	Kinsey Jr et al			
	5,728,306	3/17/98	Breillatt Jr et al			
	5,736,719	4/7/98	Lawson et al			
	5,772,880	6/30/98	Lynn et al			
	5,583,577	12/29/98	Gizowski et al			
	5,858,016	1/12/99	Bacehowski et al			
	5,976,300	11/2/99	Buchanan et al			
	6,032,807	3/7/00	Sternberg et al			

### FOREIGN PATENT DOCUMENTS

Doc No.	Pub No.	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation	
							Yes	No

### OTHER PRIOR ART *(Including Author, Title, Date, Pertinent Pages, Etc.)*

Doc No.	Pub No.	Author	Title	Date	Pertinent Pages

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	APPLICANT <div style="text-align: center; font-size: 1.2em;">Lynn et al.</div>	
	FILING DATE	GROUP

### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	3,506,130	4/14/70	Shaye			
	4,025,618	5/24/77	Garber et al			
	4,035,304	7/12/77	Watanabe			
	4,066,556	1/3/78	Vaillancourt			
	4,157,967	6/12/79	Meyst et al			
	4,437,472	3/20/84	Naftulin			
	4,466,888	8/21/84	Verkaart			
	4,493,705	1/15/85	Gordon et al			
	4,798,578	1/17/89	Ranford			
	4,954,251	9/4/90	Barnes et al			
	4,976,851	12/11/90	Tanokura et al			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
		O 155 005		Europe			
		O 365 676		Europe			
		O 516 846		Europe			
		O 521 222		Europe			
		O 525 493		Europe			

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)


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	5,049,146	9/17/91	Bringham et al			
	5,055,198	10/8/91	Shettigar			
	5,190,657	3/2/93	Heagle et al			
	5,269,924	12/14/93	Rochat			
	5,420,962	5/30/95	Bakke			
	5,507,904	4/16/96	Fisher et al			
	5,580,349	12/3/96	Thor et al			
	5,601,730	2/11/97	Page et al			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No	
		0 654 303		Europe				
		WO95/07818		PCT Publication				
		WO95/17237		PCT Publication				

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)


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# INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

1006.F-5001 CIP DIV

Application Number

Applicant(s)

Daniel R. Lynn et al.

Filing Date

Group Art Unit

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Opposition Decision, European Patent Office, 15 May 2001; Ref. No. BAXR/M7328EP EP 684867

EXAMINER

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**INFORMATION DISCLOSURE CITATION**  
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ATTY DOCKET NO.  
F-5581 CL. IV

SERIAL NO.  
UNKNOWN

Lynn et al.

FILING  
Unknown

GROUP  
Unknown

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,180,504	01/1993	Johnson et al.			
	5,527,472	06/1996	Bellotti et al.			
	4,157,967	06/1979	Meyst et al.			
	5,591,337	01/1997	Lynn et al.			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)


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